

ALLEN WEINSTEIN'S 'PERJURY'

The Case Not Proved Against Alger Hiss

Victor Navasky

In interviews, advance publicity and his publisher's advertising and jacket copy for *Perjury: The Hiss-Chambers Case*,* Allen Weinstein, the Smith College historian temporarily at the Hoover Institution in Stanford, Calif., has presented himself to the world as a young man who "set out to write the definitive, objective work in the belief that Hiss was innocent" and that Whittaker Chambers has "falsely accused him of Communist ties and espionage," but who concluded after five years of intensive research that Hiss had indeed been guilty.

As *Time*, to which an advance copy of the book "was made available" two months before publication, put it in a 3-page feature, "Weinstein turned up previously undisclosed evidence that inexorably led him to his unqualified verdict: 'The jurors made no mistake in finding Alger Hiss guilty as charged.'" It is, at first, difficult not to be swept along by the avalanche of people and documents which, according to the author, "confirm" or "corroborate" one or another aspect of Chambers's story.

The image Weinstein projects is of the truth-seeking scholar who traveled 125,000 miles, interviewed "over eighty people who had special knowledge of the case or its protagonists," carefully studied the transcripts of a score of Congressional hearings, two trials and various appeals, analyzed 80,000 documents made available under the Freedom of Information Act, and diligently plowed through archive after archive in this country and abroad, files at departments throughout the federal government, and the voluminous Hiss defense files, before painfully deciding that Alger Hiss indeed passed stolen State Department papers to Chambers as part of an underground Soviet espionage apparatus in the late 1930s.

No wonder the first round of reviewers are stampeding to honor this historian who ostensibly altered his beliefs

to fit the facts as he found them, and to proclaim that this unfinished cold-war business is at last resolved. George Will writes in *Newsweek* that Weinstein's book is a "historic event. . . . It is stunningly meticulous and a monument to the intellectual ideal of truth stalked to its hiding place. It is also a substantial public service. . . . The myth of Hiss's innocence suffers the death of a thousand cuts, delicate destruction by a scholar's scalpel." Alfred Kazin in *Esquire* calls *Perjury* "an impressively unemotional blockbuster of fact." He writes: "After this book, it is impossible to imagine anything new in this case except an admission by Alger Hiss that he has been lying for thirty years."

The book is important because the case is important. Not merely Hiss, wrote Alistair Cooke in 1950, but a generation was on trial. Chambers himself called the case an epitomizing one. "It epitomized a basic conflict. And Alger Hiss and I were archetypes. That is of course what gave the peculiar intensity to the struggle." Arthur Schlesinger, Jr. (who believes Hiss guilty) complained of Chambers's writings—after Hiss was convicted of perjury at a second trial (the first ended in a hung jury)—that they divided the world into "messianic Christian anti-Communists" and "aesthetic Communists"; but for many others, if Hiss was guilty then the New Deal was corrupt, the State Department had been subverted, Yalta was a sellout, the U.N. was a Communist plot, the possibilities of peaceful coexistence with the Soviet Union were shattered, incipient cold-war repression became defensible. While Weinstein gives the Hiss case too much credit for inciting the cold-war hysteria (the Un-American Activities Committee hearings on Hollywood, preparation for the trial of Communist Party leaders under the Smith Act, the Truman Executive Order on loyalty,

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the Mundt-Nixon bill all predated Hiss), it undoubtedly facilitated and accelerated the meteoric rise of McCarthy and McCarthyism.

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Weinstein takes it upon himself to update what he calls the "iconography" of the cold war with the iconography of Watergate. He quotes philosopher Richard Popkin, who argued that "Unravelling the Ellsberg burglary will unravel what was involved in Richard M. Nixon's whole career: fraud, fakery, framing of innocent victims. . . . When we know more about how the Ellsberg case was plotted, we will know how the Hiss case itself was constructed . . . the Hiss case may turn out to be the American Dreyfus case."

Weinstein seems put out that many liberals and moderates began to view Hiss as a spiritual ancestor of the Ellsbergs, Berrigans, Spocks and Coffins—conspicuous for having fought government injustice and illegality during politically motivated trials. "As anti-war sentiment converged with popular outrage over Watergate," he writes, "Hiss found himself transformed from a symbol of deception into one of injured innocence. Watergate and more responsive media brought Hiss, in short, a renewed measure of public acceptance. . . . Watergate helped create a new generation of believers in Hiss's innocence. The cultural verdict of the previous quarter century—indeed, the jury's verdict itself—was abruptly brought into question by Americans unfamiliar with the complex facts and history of the case."

Weinstein has aligned himself with those cold-war intellectuals who presumably sleep better at night secure in the knowledge that there was an internal Communist espionage menace (Hiss, the Rosenbergs, Remington, Sobell, Coplon, et al.) which might have justified the cold-war repression with which they collaborated and/or helped rationalize.

Here it should be noted that Weinstein himself seems not above enjoying a little iconographic con, so to speak, of his own. A review of his previous writings reveals no commitment to the innocence of Alger Hiss. If he did believe Hiss to be innocent, he never said so in print—certainly not in his major writings on the case in *The American Scholar* (1971), *Esquire* (1975), *The New York Times* (1976) and *The New York Review of Books* (1976). And even though he recently told the editor of *The Daily Hampshire Gazette* (Northampton, Mass.) in a front-page interview that in 1974 he wrote with R. Jackson Wilson a high school textbook *Freedom and Crisis: An American History*, "which concluded that Hiss was innocent," a close reading of the chapter on the case fails to reveal any such conclusion (although in fairness it should be pointed out that, as in his *American Scholar* article, he raises real questions about Chambers's reliability).

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fess, a few years ago when I was shown a copy of his letter to the Justice Department requesting access to materials on the Rosenberg case. He assured the U.S. Attorney General that, unlike some other writers whom he proceeded to name with quite reckless abandon, he believed the Rosenbergs guilty. I say "reckless," because I was one of the writers he named (although his reference to me was syntactically ambiguous) despite the fact that at the time I had written nothing about my views on the Rosenbergs' innocence or guilt. Anyway, my suspicion was sufficient to cause me, after rereading Weinstein's earlier articles on the Hiss case, to conduct an elementary source check with some of the people he interviewed for *Perjury* (to see if they were accurately quoted), and to examine some of the documents he cites (to see if they are cited in context). The preliminary results suggest that the hurry to any sort of judgment on the case, based on *Perjury* alone, may be somewhat premature.

In his *American Scholar* article ("The Hiss Case Revisited"), Weinstein concluded a rigorous, tough-minded and generally fair discussion of the pros and cons of the case by restating the uncertainties which he seemed to feel made contemporary assessments of innocence or guilt incautious. He wrote:

Perhaps only a master novelist can bridge our present impasse, but the historian still must attempt to establish the facts where possible and where not, to expose the inconsistencies of partisan accounts. The time has come for a thoroughly researched reassessment of the Hiss case, but without the release of the grand jury records, the executive files of HUAC and the relevant records, the "complete" story of that controversial affair may never be known. Granting the episode's pivotal importance in the political life of recent America, however, historians must begin to confront the case itself to prevent either of its partisan versions from hardening into myth.

After reading and rereading *Perjury*, I couldn't agree more. Whatever his original motives and aspirations, Professor Weinstein is now an embattled partisan, hopelessly mired in the perspective of one side, his narrative obfuscatory, his interpretations improbable, his omissions strategic, his vocabulary manipulative, his standards double, his "corroborations" circular and suspect, his reporting astonishingly erratic (brilliantly enterprising where it serves, nonexistent where it complicates, and frequently unreliable). His conversion from scholar to partisan, along with a rhetoric and methodology that confuse his beliefs with his data, make it impossible for the nonspecialist to render an honest verdict on the case. This condition, however, should not inhibit us from rendering a necessarily negative verdict on the scholarship itself.

Narrative Obfuscation

Followers of the Hiss case have heard much about the Woodstock typewriter (Was it a forgery? Did Chambers have secret access to it? Was the machine at the trial the one which really typed the letters introduced in evidence?, etc.), the Bokhara rugs (What sort of secret agent would give four identical rugs as presents to his four most secret operatives?), the dispute over how well

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the most active, energetic, and resourceful man in those obscure depths of the underground where Soviet espionage borders on American communism.

What Weinstein neglects to mention is that the passage in question was unfootnoted, that Dallin's papers, which were promised to Yale by 1970, have never arrived, and that Dallin's chief source is none other than Whittaker Chambers (so he is corroborating Chambers with Chambers). Credentials aside, however, what is the new, albeit inadvertent evidence Peters has provided? Here, believe it or not, is the totality of what Weinstein refers to when he says that he heard Peters "confirm details of Chambers's underground work." It occurs in footnote 95, Chapter 1:

... My long talk with Peter in Budapest was his first with a non-Communist Western scholar since his 1949 deportation and included his first public comments on the Hiss-Chambers case. Peter smiled once during our talk when I suggested that his frequent use of the terms "open" and "secret" Communist parties when describing the division in American CP ranks indicated an awareness of that second realm which most Party "functionaries" would deny having possessed.

If anything more than Peter's smile was involved in his confirmation of Chambers's activities, we are given no evidence of it.

Ella Winter. He tracks down Lincoln Steffens's widow, Ella Winter, in London, and reports her recollection: "While walking along a Manhattan street with a friend during the mid-Thirties, Chambers, who had previously tried—and failed—to recruit her for the underground using the name 'Harold Phillips' suddenly came into view. 'Don't take any notice of that man,' her friend, a leading film distributor, quickly cautioned her. 'That was Whittaker Chambers, who is doing secret work for the Party.'"

But when I wrote Ella Winter to ask whether that was indeed her recollection she replied: "My film friend did not say 'who is doing secret work for the party.' On the contrary, we had just passed Sidney Howard on Fifth Avenue and the bogus Chambers, who knew my film friend, asked me if I knew Sidney Howard and would I introduce him. I did not introduce him to Sidney Howard."

"Chambers never 'tried to recruit me for underground work' or even for the CP," Miss Winter adds.

Sam Krieger. With an introduction from Alden Whitman of *The New York Times*, Weinstein travels to Rhonert Park, Calif., where he interviews Sam Krieger, the man who recruited Chambers into the Communist Party and, according to Weinstein, "an important Communist organizer during the Gastonia textile strike of 1929," who "fled to the Soviet Union" during the 1930s before he returned to California where he now lives in retirement. He also reports that Krieger took Chambers to his first C.P. meeting, whereupon he was immediately signed up, and shortly thereafter joined the IWW too.

But when I sent Mr. Krieger photostats of the pages in Weinstein's book concerning him he replied, "No, Weinstein's account does not correspond with what I told him, nor did I tell Weinstein, in our interview, that I was the Clarence Miller of the Gastonia, N.C. textile

strike, who subsequently fled to the Soviet Union.

"Also, Chambers was not admitted to the party at his first meeting nor did he bring two Columbia University friends, whom he was trying to recruit, to a branch meeting. Likewise, I never told Weinstein that Whittaker Chambers became a member of the IWW after joining the Communist Party." (The sources Weinstein cites for these latter "facts" are an FBI summary report and Krieger.)

Karel Kaplan. One of Weinstein's more spectacular finds was Prof. Karel Kaplan, who left Czechoslovakia in 1976 with a significant archive collected during his eight years as archivist for the Czech Communist Party's Central Committee. According to Weinstein, Kaplan, a member of the Dubcek 1968 commission which investigated the political purge trials of the late Stalin era in which Noel Field figured prominently, had read the long interrogations of both Noel and Herta Field by Czech and Hungarian security officials (after they went to live in Czechoslovakia) and he shared his findings with Weinstein in Munich where "he described to me the material in those files that dealt with Alger Hiss."

Kaplan, according to Weinstein, confirmed Hiss's relationship with Field "in the Communist underground." "According to Kaplan, Field named Alger Hiss as a fellow Communist underground agent in the State Department during the mid-Thirties," writes Weinstein, quoting Kaplan: "Field said that he had been involved [while at the State Department] and that Hiss was the other one involved after he joined the Department. One major reason Field gave to his interrogators for not having returned to the United States in 1948 was to avoid testifying in the Hiss-Chambers case."

Weinstein cites but does not quote from an eloquent 2-page letter Field wrote Hiss after he got out of prison and read Hiss's book, *In the Court of Public Opinion*. Field offers to provide an affidavit attesting to the falseness of the evidence implicating Hiss (as it related to Field) and expresses his belief in Hiss's innocence. Weinstein cites but does not quote from Flora Lewis's account, in her biography of Noel Field, of the torture he endured in prison—torture, one assumes, which has a bearing on the reliability of anything he may have said.

I wrote to Kaplan, now employed with Radio Free Europe in Munich, and he wrote back, among other things: "N. Field testimony, as far as I can remember, did not contain any facts or explicit statements which would indicate that A. Hiss was delivering U.S. documents to the Soviet Union."

Maxim Lieber. Weinstein states in his introduction that "the revelations of five participants in Soviet intelligence work in the United States and Europe during the 1930s—Jozsef Peters, Nadya Ulanovskaya, Maxim Lieber, Paul Willert and Hede Massing—proved particularly instructive."

Peters was a well-known Communist Party official in the 1930s who wrote pamphlets and ran for public office but who, as we have already seen, denied participation in any "Communist underground" operation in the United States. Massing's story about having met Hiss in Field's apartment was (a) given under threat of deportation (not mentioned by Weinstein) and (b)

denied by Field. Willert tells me he never "participated in Soviet intelligence work in the U.S.," never told Weinstein he did, and never knew Otto Katz to be a "high ranking Comintern representative," as Weinstein suggests he did. Ulanovskaya is a peripheral figure (with at best second-hand information garnered from her late husband), who left the United States in 1934 without ever having met Hiss. But the man Weinstein cites sixteen times as "confirming" or "corroborating" or "participating" in secret work with Chambers, is Chambers's one-time friend, business associate and literary agent, Maxim Lieber, now living in Connecticut after spending the years 1950-68 first in Mexico and then in Poland, a refugee from the domestic cold war.

Weinstein calls Lieber a "sometime associate [of Chambers] in the underground," and says Lieber identified Peters as "the head of the whole Communist espionage apparatus in this country," and "worked with [Chambers] for a time on an underground project." Weinstein writes that "convincing corroboration of Peters's work as an agent during the 1930s came from . . . my interviews with Maxim Lieber, whom Peters assigned to occasional underground jobs. . . ." He describes Lieber's role in the American Feature Writers Syndicate as that of an "agent" engaged in "espionage abroad," "a front for Soviet espionage." Weinstein says Lieber gave Col. Boris Bykov ("the chief agent for Russia in the United States during the thirties") "low marks" as a spymaster. Weinstein credits Lieber with warning Chambers, who believed the KGB was after him, about Otto Katz (another client). He quotes Lieber as saying, "Some things are romanticized in *Witness*, but most of it—as I know of the incidents—is true."

But when I talked with Lieber, who freely admits to having been in the party and who represented party authors, among others, he told me (a) "I never read *Witness*—Weinstein is quoting me out of context." (He asked if he could borrow the office copy.) (b) "I was never a member of any underground and I never worked with Chambers on any underground project." (c) "The account of the American Feature Writers Syndicate (which was designed to sell the works of my clients such as Erskine Caldwell and Josephine Herbst overseas, and was not an underground project at all), is an amalgam of a little truth and a lot of fiction—I don't know where Weinstein got that stuff unless it is in *Witness*—but it did not come from me, which is what he makes it sound like." (d) "I could not have identified Peters as the head of the underground because I knew nothing of the underground. I only met him once at the very end—and I do not remember meeting anyone named Bykov. I have no idea who was the head of the Communist underground in America. And I could not have warned Chambers about Katz, since I had no idea who Katz was supposed to be. To me he was a client. I never met or saw Priscilla or Alger Hiss or even knew about them until the trial. Weinstein's story is sheer poppycock. My son says I should consult a lawyer."

Donald Hiss and "The Woodstock Cover-up." Asked by a sympathetic interviewer, "Would you say you made any discovery that clinches the case against Hiss?" Wein-

stein told *Politics*, "The strongest incriminating evidence I found in the defense files concerns what I call the *real* 'Woodstock cover-up.'" Weinstein goes on to zero in on the role of Alger's brother Donald, whom he accuses of having traced the whereabouts of the typewriter to a Washington trucker and junk dealer named Lockey in February, but keeping the FBI and the Hiss lawyer who ultimately found the typewriter (McLean) in the dark about it until April. Gary Wills, writing in *The New York Review of Books*, found this discovery "the most damaging of all. It knocks into a cocked hat all the theories of a planted, altered, or forged typewriter."

But Weinstein never discusses in detail a February 26, 1951 memo in the defense files which gives Donald Hiss's version of the episode, and when I wrote Donald Hiss to ask if Weinstein had accurately included his own explanation for "the mysterious pause" of two months, he replied: "Mr. Weinstein had exactly one interview with me. . . . Weinstein raised three subjects and only three during the interview. . . . He made no mention whatsoever of the typewriter or my search with Mike Catlett for it. [He] asked if I would be available to answer any further questions should they occur to him. To this I answered that I would be available at any time. He has never contacted me by mail or telephone since then. The interview was extremely brief and lasted no more than 10 to 15 minutes."

Weinstein is not, of course, required to believe Alger Hiss's brother, but the canons of scholarship would seem to insist that he hear Donald's version before dismissing it. Had he interviewed Donald Hiss he would have been told that on his February trip to Lockey, Donald discovered not the Woodstock but a different old typewriter, the Royal, and "The above trip to Lockey was reported by me to McLean." He would have been told a lot more, but my point is not to argue the merits of the case, merely to note the inadequacy of Weinstein's much-ballyhooed research.

Weinstein's other piece of significant incriminatory information—the one which stimulated his headline-making 1976 charge in *The New York Review of Books*—is that memorandums in the Hiss defense files proved that "Alger Hiss lied." According to Weinstein, "A defense lawyer, John F. Davis, on December 28, 1948, wrote the chief counsel that Alger Hiss asked him earlier that month to check on an old typewriter 'which he remembers he gave to the son of Claudia Catlett [a housekeeper] who used to do the washing.'"

"Hiss shortly thereafter denied to the FBI and the Grand Jury specific knowledge of the missing typewriter. . . . This means," Mr. Weinstein asserts, that "Hiss deliberately misled the FBI, the Grand Jury and two trial juries about his knowledge of the Woodstock typewriter's whereabouts." He adds that "Mr. Hiss three times between December 10 and 15 told the Grand Jury that he had no knowledge of how the typewriter had been disposed of."

But a reading of the Davis memo, a search through the Hiss files and a reading of the correspondence which

followed the Weinstein article in *The New York Review* reveals that Weinstein has reached a shaky conclusion and not shared with the reader the available contrary evidence on which to make an independent judgment. First, the Davis document is, on its face, ambiguous. It refers to "an" old typewriter, not "the" old typewriter. Second, Weinstein doesn't mention other evidence which suggests that it was not Hiss who recalled the machine at all, it was his stepson Timmy Hobson; that Hiss merely relayed the message to counsel. In that context, asking counsel to "check on" something seems as much evidence of uncertainty as of certainty. Finally, Weinstein never explains the Hiss legal memorandums which document four simultaneous typewriter searches for three typewriters. If Hiss really knew where the typewriter was all along and if he knew which of his old typewriters was sought by the FBI, why would he waste his lawyers' and everybody else's time carrying on these simultaneous searches?

Strategic Omissions. Selectivity is a historian's prerogative, but some conspicuous omissions of key documents or accounts which complicate Weinstein's thesis (accompanied by a seemingly bold confrontation of less problematic materials) further undermine one's confidence in the enterprise. A typical example is his handling of the important evidence bearing on Chambers's claim, first made in November 1948, to have stored the stolen papers and microfilms in an envelope in a dumbwaiter at his nephew's house in Brooklyn in 1938. Weinstein dramatically deals with the contention that the materials could not have fit in the envelope, by describing a simulated experiment of his own where everything fitted. But he omits any mention of the defense's ultimate claim—an affidavit filed to support Hiss's 1952 motion for a new trial, by a chemist, Daniel P. Norman, president of New England's largest and oldest firm in the business of testing chemicals and papers, who tested the papers and the envelope and asserted that they lacked the markings and chemical stains which would inevitably accompany ten-year storage. Weinstein doesn't have to agree with Norman to acknowledge his findings.

In some cases a strategic omission is accompanied by what we might call a false inclusion, which occurs as a result of Weinstein's never-defined and interchangeable use of such terms as "Communist underground" and "secret work." Thus a "Marxist study group" becomes a "Communist cell" becomes a "secret apparatus" becomes "underground work" becomes "espionage." In the case of New Deal economist Victor Perlo, accused by the notoriously unreliable Elizabeth Bentley of heading a spy ring, Weinstein writes in a footnote that, "... the witness's former wife, Katherine Perlo, had corroborated Bentley's charges against her ex-husband in an anonymous letter—later acknowledged by Mrs. Perlo—sent to the FBI several years earlier. Mrs. Perlo accused her husband of engaging in espionage and named others in the group, her list of names being comparable to Bentley's later one."

In fact, Mr. Weinstein neglects to mention that Mrs. Perlo was under a psychiatrist's care suffering from "mental disorder" when she wrote the anonymous letter

and that she sent it to the President (not the FBI), charged membership in the Communist Party but said nothing about espionage, and in addition to naming her ex-husband as a member of the group, also included her psychiatrist.

A more blatant omission-distortion, because he uses her to "confirm" and "recall" the Ware group (another so-called spy ring identified by Elizabeth Bentley), concerns Weinstein's handling of the depositions, interviews and papers of the novelist Josephine Herbst. He says she confirmed that "the Ware group sometimes filched documents," and that they photographed the "stolen" government documents in the apartment she shared with John Herrmann. But I requested copies of Miss Herbst's affidavits (on file with the Emergency Civil Liberties Committee) and a close reading reveals that she never used the word "stolen" or "filched," that whatever documents the Ware group had were trivial and intended not for Moscow but *The Daily Worker* and that "She was absolutely certain that her apartment in Washington had never been used for developing pictures while she was there. It was a small apartment, she said, and the developing equipment would have taken a noticeable amount of space and [she] was sure she would have remembered." Weinstein uses Herbst to "corroborate" that Chambers met Hiss in 1934, but neglects to quote the FBI document which says she never met the Hisses or any member of the Ware group except Pressman whom she met in the CIO "and stated she knew nothing of the connection between her husband [Herrmann], Chambers and Ware."

It should by now not be necessary to list all of Weinstein's simple errors of fact. He says the HUAC hearings of August 3, 1948, marking Chambers's first appearance in public, were "unexpected" and that what Chambers would testify to was not known in advance, when in fact a press conference was held by the committee on August 2 in which (as *The New York Times* reported) Chambers was referred to as the next day's witness on the subject of Soviet espionage. He has Chambers working at *The Daily Worker* in New York two years before the paper was published there. He has Chambers telling the committee on the occasion of his first appearance that he defected "in 1938" when on eight different times that day he gave the date as 1937. He has Chambers re-joining the Communist Party in 1931—a year before even Chambers alleged that he rejoined the party. He states that Gardner (Pat) Jackson was Jerome Frank's assistant when Jackson never worked in the same office as Frank. He claims that Stryker was attractive to Hiss's advisers because of his books which included *The Art of Advocacy*. But *The Art of Advocacy* wasn't published until 1954, etc., etc., etc.

He makes the mistake of assuming that FBI memorandums provide answers rather than clues. Taking such documents at face value may be a sign of naiveté rather than malevolence. He complains of Hiss pressure on the Catlett family to "remember" the date on which they received the family Woodstock in a way which would help

Alger, but neglects to consider or mention the impact of wholesale FBI harassment of potential witnesses, including threats of perjury suits, social disgrace, deportation, inspecting bank records and income tax returns, and arranging for hostile witnesses to lose their jobs. And when he does examine the possibility of FBI skulduggery his imagination runs short. Thus, when he considers the charge that Chambers's memory of a \$400 loan from Hiss was influenced by FBI agents who one week earlier had gained access to records of Hiss's savings and checking accounts, he dismisses the possibility because the FOIA files show: "The records were not sent to New York, where Chambers was then being interrogated by agents of the FBI field office, but remained in the Washington field office." One is tempted to remind Weinstein that the bureau was not unaware of the telephone.

It is symptomatic of the sloppiness of the work that, without explaining the discrepancy, he says in the introduction that he has interviewed more than eighty people with special knowledge of the case but lists in the Appendix only fifty-six interviewees who gave important information. He includes some second-hand gossip about what Priscilla Hiss is supposed to have said at a Chicago dinner party in 1968 and when challenged on his sources, invoked the name of Alden Whitman, formerly of *The New York Times*, as one who checked out the story. Whitman told me, "I have no recollection of my checking out any Chicago dinner party." It never occurred to Weinstein to ask Mrs. Hiss.

Interviewees can always be found to claim they were misquoted, but the responses of Winter, Krieger, Willert, Kaplan and Lieber suggest that the distortions are too

central to Weinstein's general mode of argument to be ignored, especially in the context of his selective use and misuse of documents not generally available for inspection. Can it be, one finally asks, that so many distinguished social commentators have been taken in by such a vulnerable enterprise? Without pretending to pass on whether it is the illiberal climate, the compelling iconography of Allen Weinstein, or simply the mesmerizing message of the thousands of "facts" he has assembled, which has caused the unfortunate celebration of his dubious achievement, this much can be said:

Perjury settles nothing about the Hiss case. It sets forth some new riddles, fails to solve them and ignores some old ones. Oddly, it doesn't really seem to take full advantage of the new Freedom of Information Act materials, thousands of which were still coming in as *Perjury* was coming out. It doesn't provide a serious motive or theory to account for Hiss's behavior since he was released from prison. Whatever new data Weinstein may have gathered are fatally tainted by his unprofessionalism, his apparent intolerance for ambiguity, especially when it gets in the way of his thesis. It would be a tragedy if the immediate impact of this unfair book were to deprive Alger Hiss, now 73, of a fair hearing on his uncoming *coram nobis* petition to set aside the verdict of the trial (his first court challenge to his perjury conviction since 1952). One suspects, though, that the only permanent damage Weinstein has wrought may be to the reputations of himself and those who too eagerly endorse his findings. The target of *Perjury* is Alger Hiss and his claim of innocence, but its temporary victim is historical truth. □

WEINSTEIN MISCASTS THE CHARACTERS

according to Weinstein... ...but research shows

Sam Krieger

Krieger, "an important Communist organizer during the Gastonia textile strike of 1929," who fled to Russia during the 1930s, was Chambers's sponsor for entrance into the Communist Party in 1925. (Chambers remained a member of the party until 1929, and then rejoined in 1931.)

Sam Krieger was not involved in the Gastonia strike, nor did he ever flee to Russia. Krieger, the only person mentioned by Weinstein as an associate of Chambers in the party in the 1920s, asserts that "Weinstein's account of Chambers's party activities . . . is not only implausible but factually inaccurate." Krieger says that Chambers was dropped from the party in 1927 and, given Chambers's reputation, that it would have been inconceivable for him to be recruited later for any party work.

Alexander Trachtenberg & Charles Dirba

Chambers had quit the party in 1929. But by the end of 1931 "Chambers had made his peace with Communist Party officials, meeting first with Alexander Trachtenberg—the party's leading cultural 'commissar'—and with an even more important (if mysterious) figure, Charles Dirba, head of the C.P.'s Central Control Commission, which screened members for ideological deviation."

Weinstein omits mention that, when interviewed in 1957, Trachtenberg asserted that he "never knew Chambers was a member of the Communist Party." Dirba, also interviewed in 1957, denied that any such reconciliation could have occurred.

Max Bedacht

In the spring of 1932 Chambers was recruited for "secret work" in the party by Max Bedacht, a member of the American Communist Central Committee. During this period "Chambers did little more for the group than to pass messages back and forth between the Russians and Max Bedacht." Bedacht was Chambers's superior in the Communist underground through 1933.

Weinstein fails to mention that Bedacht, both in testimony before HUAC in 1949, and in a sworn affidavit in 1957, denied ever participating in underground or espionage work: "I certainly never had at any time any underground contact with any country in the world." Further, Bedacht denied ever knowing Chambers in connection with the Communist Party, though he may have met him once when he placed an ad in the *New Masses*.

Katherine Wills Perlo

The Washington "underground Communist group," headed by Victor Perlo, was "confirmed" when "Katherine Wills Perlo wrote an anonymous letter to the White House in 1944." "Mrs. Perlo accused her husband of engaging in espionage and named others in the group." However, "Katherine Wills Perlo suffered an apparent emotional breakdown in 1949."

Weinstein does not say that Mrs. Perlo's mental problems began long before 1949. In fact, in 1944 when she wrote the letter, her psychiatrist, Dr. Weininger, reported that "Mrs. Perlo was under his care suffering from mental disorder." Weinstein also omits the fact that Dr. Weininger is one of those named as a member of the alleged Communist conspiracy. The FBI agents who questioned her found that "her answers were very incoherent." Finally, contrary to Weinstein, Mrs. Perlo's letter never alludes to either "espionage" or "underground activities."

Ella Winter

Chambers knew Ella Winter, then married to Lincoln Steffens, in the 1930s. (a) Chambers had "previously tried—and failed—to recruit her for the underground." (b) Ella Winter "corroborated Chambers's role as an underground agent." (c) Chambers tried to get Ella Winter to introduce him to one of her friends on the Nye Committee. (d) Lincoln Steffens had been told about Chambers's position in the underground.

A letter from Ella Winter makes the following points: (a) "Chambers never tried to recruit me for underground work or even for the CP." (b) "I never had any idea that 'Chambers' was an underground courier." (c) She arranged for the introduction for Chambers but "I thought, 'this man is nuts' . . . you see I did not have an inkling that he was recruiting for any underground." (d) "Steffens knew nothing whatever of Chambers's nefarious activities."

Maxim Lieber

(a) Maxim Lieber, "Chambers's sometime associate in the underground, identified Peters as the head of the whole Communist espionage apparatus in this country." "Peters assigned [Lieber] to occasional underground jobs." (b) Peters and Chambers set up the plan for the American Feature Writers Syndicate, a cover for espionage operations. (c) According to Lieber, "Some things are romanticized in *Witness*, but most of it—as I know of the incidents—is true." (d) Lieber is one of the "four members of the Communist underground" to confirm Chambers's identification of Bykov.

Lieber writes that Weinstein must have "made all these things up out of whole cloth." (a) "I could not have identified Peters as head of the underground because I knew nothing about the underground." (b) "The American Feature Writers Syndicate . . . was not an underground project . . . and had no connection with espionage." (c) "I never read *Witness*." (d) "I do not remember meeting anyone named Bykov; I never met any Russian with Chambers."

Paul Willert

Paul Willert, American head of Oxford Press, gave Chambers translations to do early in 1938. "Willert had himself engaged in 'secret work' for the underground German Communist Party earlier in the 1930s . . . and he maintained close connections with the American Communist Party in 1939." Willert, who "confirmed the essential elements in Chambers's account of their relationship," warned Chambers after his defection that "Otto Katz," a Comintern agent Willert had known as Ulrich in Berlin, was tracking him down.

According to Willert, in a letter to *The Nation*: "Weinstein's book and Weinstein's references are inaccurate, untrue, or half truths. . . ." Willert denies being a member of the party, asserts that "there was never any question of my 'protecting Chambers,'" and never associated Katz with "Ulrich."

Boris Bykov

In 1935 "Bill" was replaced by Chambers's final Russian spymaster, a man he later identified as Colonel Boris Bykov. "Four members of the Communist underground during the 1930s other than Chambers—Maxim Lieber, Julian Wadleigh, William Edward Crane and Nadya Ulanovskaya—have identified Bykov as the Russian agent they met, knew, or worked with during this period."

Weinstein neglects the following problems in the Bykov stories: Chambers first mentions the name Boris Bykov in November 1948, associating it with a Russian he had known by another name and had met in 1937. Crane, after changing his story, asserted that he had met "Bykov" with Chambers in 1935 (a year before Chambers knew him). Wadleigh, after an initial denial, confessed to knowing "Bykov" but, in his version, the spymaster Bykov was one-armed. Lieber, of course, denies ever having been introduced to Bykov.

Walter Anderson

Walter H. Anderson, chief of the State Department's Record branch, was "one of the government's most important witnesses" and testified, at the first Hiss trial, "to the contents of each stolen document" and "the nature and distribution of each document." According to Anderson, fifteen or more copies of each document were distributed, though thirty-five persons had access to the documents in the code room.

Weinstein omits any reference to Anderson's testimony at the second trial. There, under cross-examination, he admitted that routinely, twenty-five to fifty copies of each document were distributed through twenty-two offices, where at least 250 people had access to them. The press-room received "a great many" of these documents. No records were kept of the destruction of extra copies. Anderson, the only witness to testify on the point, never claimed that any of the documents was "secret."

Licht

"Licht" was (a) a "Hiss investigator" who (b) "had been providing Hiss's investigators with material from the private files of the Communist publications *The Daily Worker*" and (c) was "evidently a C.P. official of sufficient influence to obtain back copies of these journals."

Weinstein's only cited source for the name "Licht" (and the only place the name appears) is one 1949 memo from Hiss lawyer Edward Mclean about an oral report from the investigator Schmahl. The entirety of the references to Licht are: "1. [Schmahl] has spent three more nights looking at files in Forest Hills made available by Licht. These are files of *The Daily Worker* and one folder of *The New Masses*. . . . 2. Licht says he has had a talk with Lieber. . . ." No additional evidence is cited to support Weinstein's curious identifications of Licht as a Hiss investigator or as a Communist Party official.